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7  
8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. **2009-261**

12 **KAREN CHRISTINA NOYES**

13 934 Corcoran Ave.  
Santa Cruz, CA 95062

14 Registered Nurse License No. 703156

15 Respondent.

**A C C U S A T I O N**

16 Complainant alleges:

17 **PARTIES**

18 1. Ruth Ann Terry, M.P.H, R.N. (Complainant) brings this Accusation solely  
19 in her official capacity as the Executive Officer of the Board of Registered Nursing.

20 2. On or about May 7, 2007, the Board of Registered Nursing issued  
21 Registered Nurse License Number 703156 to Karen Christina Noyes (Respondent). The license  
22 was in full force and effect at all times relevant to the charges brought herein and will expire on  
23 June 30, 2009, unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing  
26 (Board), under the authority of the following laws. All section references are to the Business and  
27 Professions Code unless otherwise indicated.  
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1           “(b) Use any controlled substance as defined in Division 10 (commencing with  
2 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as  
3 defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or  
4 injurious to himself or herself, any other person, or the public or to the extent that such use  
5 impairs his or her ability to conduct with safety to the public the practice authorized by his or her  
6 license.

7           “(c) Be convicted of a criminal offense involving the prescription, consumption,  
8 or self-administration of any of the substances described in subdivisions (a) and (b) of this  
9 section, or the possession of, or falsification of a record pertaining to, the substances described in  
10 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence  
11 thereof.

12           . . . . .

13           8.       Section 125.3 of the Code provides, in pertinent part, that the Board may  
14 request the administrative law judge to direct a licensee found to have committed a violation or  
15 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
16 and enforcement of the case.

17                               **CONTROLLED SUBSTANCE**

18           9.       **"Methamphetamine"** is a Schedule II controlled substance as designated  
19 by Health and Safety Code section 11055(d)(2).

20                               **FIRST CAUSE FOR DISCIPLINE**

21                               **(Substantially Related Conviction)**

22           10.       Respondent is subject to disciplinary action pursuant to section 2761(f) of  
23 the Code, in that she was convicted of a criminal offense which is substantially related to the  
24 qualifications, functions, and duties of a registered nurse, as follows:

25           a.       On or about April 4, 2008, in the criminal proceeding entitled *People of*  
26 *the State of California vs. Karen Christina Noyes*, Superior Court of California, County of Santa  
27 Cruz, Case No. F16369, Respondent was convicted on her plea of nolo contendere to a violation  
28 of Vehicle Code section 23152(b) (driving while having a 0.08% or higher blood alcohol), a

misdemeanor.

b. The underlying circumstances are that, on or about January 26, 2008, at approximately 21:35 hours, Respondent was driving her vehicle eastbound on Portola Drive in Santa Cruz, California, without her headlamps activated. Respondent drove into the oncoming westbound traffic. To avoid a near head on collision, Respondent swerved back toward the eastbound lane. In the process, Respondent drove over a raised cement island, collided into a steel island sign post, and continued east bound without stopping. Respondent told the police officer that she was "drunk." The police determined that the cause of the collision was Respondent driving under the influence of an alcoholic beverage. Respondent was also in possession of 0.2 grams of methamphetamine.

c. Respondent was sentenced to sixty (60) months probation and thirty (30) days in county jail. Respondent was further ordered to participate in the Alto Counseling Program, a substance abuse program, within fourteen (14) days.

## SECOND CAUSE FOR DISCIPLINE

**(Use of Alcohol to a Dangerous Extent)**

11. Respondent is subject to disciplinary action pursuant to section 2762(b) of the Code, on the grounds of unprofessional conduct, in that Respondent used alcohol to an extent or in a manner dangerous or injurious to herself, any other person, or the public or to the extent that such use impairs her ability to conduct with safety to the public the practice authorized by her license, as set forth in paragraph 10, above.

### THIRD CAUSE FOR DISCIPLINE

**(Conviction Involving Alcohol)**

12. Respondent is subject to disciplinary action pursuant to section 2762(c) of the Code, on the grounds of unprofessional conduct, in that Respondent was convicted of a criminal offense involving alcohol, as set forth in paragraph 10, above.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Possession of Controlled Substance)**

3 13. Respondent is subject to disciplinary action pursuant to section 2762(a) of  
4 the Code, on the grounds of unprofessional conduct, in that on or about January 26, 2008,  
5 Respondent possessed methamphetamine, a controlled substance, as set forth in paragraph 10,  
6 above.

7 **OTHER MATTERS**

8 14. On or about January 23, 1996, in the criminal proceeding entitled *People*  
9 *of the State of California vs. Karen Christina Noyes*, Superior Court of California, County of  
10 Santa Cruz, Case No. S5-07501, Respondent was convicted of violating Vehicle Code section  
11 23152(b) (driving while having a 0.08% or higher blood alcohol), a misdemeanor.

12 **PRAYER**

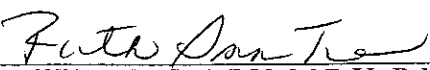
13 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
14 alleged, and that following the hearing, the Board issue a decision:

15 1. Revoking or suspending Registered Nurse License Number 703156, issued  
16 to Karen Christina Noyes;

17 2. Ordering Karen Christina Noyes, to pay the Board the reasonable costs of  
18 the investigation and enforcement of this case, pursuant to Business and Professions Code  
19 section 125.3;

20 3. Taking such other and further action as deemed necessary and proper.

21  
22 DATED: 4/22/09

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24   
25 RUTH ANN TERRY, M.P.H, R.N.  
26 Executive Officer  
27 Board of Registered Nursing  
28 State of California  
Complainant